

ALAN KORN, SBN 167933  
 LAW OFFICE OF ALAN KORN  
 1840 Woolsey Street  
 Berkeley, California 94703  
 Ph. (510) 548-7300  
 Fax: (510) 540-4821

*Attorney for Plaintiffs Penelope Houston, James Wilsey,  
 Daniel O'Brien and Greg Ingraham*

RICHARD J. IDELL, ESQ. (SBN 069033)  
 ORY SANDEL, ESQ. (SBN 233204)  
 IDELL & SEITEL LLP  
 465 California Street, Suite 300  
 San Francisco, CA 94104  
 Telephone: (415) 986-2400  
 Facsimile: (415) 392-9259

ANTHONY R. BERMAN, ESQ. (SBN 160634)  
 BERMAN ENTERTAINMENT AND TECHNOLOGY LAW  
 235 Montgomery St., Ste 760  
 San Francisco, CA 94104  
 Telephone: (415) 816-9623  
 Facsimile: (415) 421-2355

*Attorneys for Defendant David Ferguson*

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

PENELOPE HOUSTON, an individual, GREG	)	Case No. C10-01881 JSW
INGRAHAM, an individual, JAMES	)	
WILSEY, an individual, and DANIEL	)	<b>STIPULATION AND <del>PROPOSED</del></b>
O'BRIEN, an individual,	)	<b>ORDER RE: EXTENSION OF TIME</b>
	)	<b>TO FILE RESPONSE TO SECOND</b>
Plaintiffs,	)	<b>AMENDED COMPLAINT</b>
	)	
v.	)	<b>Hon. Jeffrey S. White, Presiding</b>
	)	
DAVID FERGUSON, an individual dba CD	)	(E-Filing)
PRESENTS, BURIED TREASURE MUSIC	)	
and ANARCHY ANTHEMS; BURIED	)	
TREASURE MUSIC, BURIED TREASURE	)	
INC., a Corporation of unknown jurisdiction;	)	
INDEPENDENT ONLINE DISTRIBUTION	)	
ALLIANCE, INC., a California Corporation;	)	

1 TUNECORE, INC., a Delaware Corporation; )  
 2 and RHAPSODY INTERNATIONAL, INC., a )  
 3 Delaware Corporation, )  
 4 Defendants. )

5 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 6-1(a) of the Civil  
 6 Local Rules of the United States District Court, Northern District of California, Plaintiffs  
 7 PENELOPE HOUSTON, an individual, GREG INGRAHAM, an individual, JAMES WILSEY, an  
 8 individual, and DANIEL O'BRIEN, an individual (collectively, "Plaintiffs"), on the one hand, and  
 9 Defendant DAVID FERGUSON, an individual ("Defendant"), on the other hand, hereby agree and  
 10 stipulate as follows:

11 WHEREAS, Plaintiffs filed a Second Amended Complaint on January 21, 2011; and

12 WHEREAS, Defendant Ferguson's response to the Second Amended Complaint is due by  
 13 February 7, 2011; and

14 WHEREAS, the parties are actively engaged in settlement discussions in an attempt to  
 15 resolve their dispute; and

16 WHEREAS, Rule 6-1(a) of the Civil Local Rules of the United States District Court,  
 17 Northern District of California, permits the parties to extend the time within which to answer or  
 18 otherwise respond to a complaint by stipulation in writing and without a Court order, provided the  
 19 change will not alter the date of any event or any deadline already fixed by Court order; and

20 WHEREAS, Plaintiffs and Defendant agree that the extension of time for Defendant to file  
 21 a responsive pleading to the Second Amended Complaint will not alter the date of any event or any  
 22 deadline already fixed by Court order; and

23 WHEREAS, Plaintiffs and Defendant agree that the date by which Defendant shall file a  
 24 responsive pleading should be extended to February 17, 2011, to allow the parties time to discuss  
 25 settlement;

26 NOW THEREFORE, Plaintiffs and Defendant, by and through their respective  
 27 undersigned counsel, hereby stipulate as follows:

28 //

1. The time for Defendant David Ferguson to file a responsive pleading to the Second Amended Complaint shall be extended to and including February 17, 2011;

SO STIPULATED.

Dated: February 2, 2011

LAW OFFICE OF ALAN KORN

By: /Alan Korn/

Alan Korn

*Attorneys for Plaintiffs*

*PENELOPE HOUSTON, GREG INGRAHAM,  
JAMES WILSEY and DANIEL O'BRIEN*

IDELL & SEITEL LLP

Dated: February 2, 2011

By: /Richard J. Idell/

Richard J. Idell

Ory Sandel

*Attorneys for Defendant DAVID FERGUSON*

**ATTESTATION OF CONCURRENCE**

I, Richard J. Idell, as the ECF user and filer of this document, attest that, pursuant to General Order No. 45(X)(B), concurrence in the filing of this document has been obtained from Alan Korn, the above signatory.

Dated: February 2, 2011

By: /Richard J. Idell/

Richard J. Idell

**~~PROPOSED~~ ORDER**

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. Defendant David Ferguson shall file a responsive pleading to the Second Amended Complaint no later than February 17, 2011.

**IT IS SO ORDERED.**

Dated: February 3, 2011

  
Hon. Jeffrey S. White

Judge of the United States District Court  
Northern District of California